

Call to Order:

The meeting was called to order at 7:31 p.m. Present were Chair Joan Duff, members Vincent Chiozzi (arrived at 7:33 p.m.), Jay Doherty, Eric Macaux (arrived at 7:33 p.m.), Zach Bergeron and associate member Ann Knowles; also present were Paul Materazzo, Director of Planning and Jacki Byerley, Planner.

Warrant Articles 2014 Town Meeting:**Medical Marijuana Overlay District:**

Ms. Duff opened public hearings for the proposed warrant articles to add Section 8.9 (Medical Marijuana Overlay District (MMOD)) and to amend Section 2.2 (Overlay Districts) by adding at the end of Section 2.2, "Medical Marijuana Overlay District" and amend the Town of Andover Zoning Map, to establish a Medical Marijuana Overlay District.

Mr. Materazzo stated that this was the formal advertised Planning Board public hearing on the zoning article for a Medical Marijuana Overlay District. He gave an overview of the Humanitarian Medical Use of Marijuana Act and reviewed the proposed warrant article and the areas that a working group has chosen for possible locations. He reminded the Board that they had previously discussed removing Doctors Park as a location. It is the opinion of the Town staff that the other three locations are suitable.

Mr. Bergeron gave his opinion that each area should be a separate warrant article because if they move forward with one map and it may be voted down, and medical marijuana can go anywhere medical use is allowed. Mr. Materazzo informed the Board that he has also prepared a moratorium article for the Selectmen to consider to add to the warrant should the overlay not pass. If a moratorium passes, it would give the Town until October 2014 to work on the zoning and hold a Special Town Meeting. Based upon the five or six public meetings that have been held to date, and public feedback to the department, residents do not seem concerned about regulating the use. The focus now is how the Town can regulate these facilities.

Mr. Doherty asked if three areas are necessary or one could be presented at Town Meeting. Mr. Materazzo replied that Town Counsel cautions against restricting it to one location, however the lower triangle of Lowell Junction Road or the River Road area are probably large enough areas to comply with the Attorney General. Mr. Macaux agreed with Mr. Bergeron that the maps should be broken up for three separate votes. He doesn't see a reason to only offer one location. Mr. Materazzo stated that he could work with the Town Manager to break them up as separate warrant articles.

Mr. Bergeron asked what area would be most appealing to a dispensary. Mr. Doherty stated that he would like to see it in the Lowell Junction area because it is all industrial. Mr. Materazzo answered Mr. Bergeron that the Town voted in the majority for this but it is hard for him to say where the best place would be. He pointed out that by placing it in the Lowell Junction area only, they may not best be serving the community that voted for this by 60%. Mr. Chiozzi noted that the Town voted for it but it doesn't mean that they want it on every corner.

Medical Marijuana Overlay District (cont'd):

Ms. Duff asked what Town Counsel's rationale is for having more than one district. Mr. Materazzo answered that the Attorney General may be concerned that limiting it to one location could potentially limit it to one building owned by one person. He added that Lowell Junction has enough acreage to satisfy the Attorney General. A municipality cannot place it on a large acreage of land that was owned by a single owner, such as Raytheon. Lowell Junction, Dascomb Road and River Road all have multiple parcels with multiple owners. Ms. Knowles asked if they chose only one district, if Dascomb Road was large enough to satisfy the Attorney General. Mr. Materazzo stated that he thought so. Mr. Macaux asked what would happen if they passed Dascomb Road and it did not satisfy the Attorney General. Mr. Materazzo replied that they would have to create another district at the next Town Meeting.

Mr. Doherty asked if the Town can only have one dispensary, and Ms. Duff and Mr. Materazzo answered that they could only have one for the first year. Mr. Macaux offered that some residents may want the Town to have more than one location. Ms. Duff asked the group what they were leaning towards. Mr. Chiozzi and Mr. Doherty stated that they prefer offering only Lowell Junction as an area. Ms. Knowles offered that she is comfortable with more locations and letting the Town decide if they want less. Ms. Duff felt that there should be two locations offered so that the Town has a choice. Mr. Doherty suggested that they have three maps on separate articles, propose Lowell Junction first and if it passes, withdraw the other articles. Mr. Macaux disagreed and stated that the residents should be allowed to vote on all proposed areas. Mr. Doherty replied that it would still be a resident vote on if they want the areas withdrawn. Mr. Macaux reiterated that he would still like for the residents to decide if they would want each location without limiting the number of locations. Ms. Duff noted that having more than one area would satisfy the Attorney General.

Mr. Chiozzi noted that at Town Meeting the warrant articles come up sequentially and there is not an opportunity to discuss all of the areas at once to decide the best area. Mr. Macaux stated that residents will discuss what they want even if it is off topic. Mr. Materazzo said that he would check with Town Counsel to see if one district would satisfy the Attorney General. Mr. Chiozzi felt that if only one area is chosen, the Lowell Junction area is the best choice and will pass at Town Meeting. Mr. Macaux stated that they need to be aware of what the risk is with the Attorney General if the Town chooses only one area. Ms. Knowles offered that it may make sense to bundle the areas if the AG feels that you need more than one.

The Board discussed the order in which the sites should be presented at Town meeting and the consensus was that the order should be Lowell Junction, Dascomb Road, River Road and to not bring Doctors Park forward. Mr. Materazzo stated that he would ask the Town Manager and Town Counsel if they could go forward with one district and still satisfy the Attorney General, if not, if each district could be considered separately in the order that the Board has chosen, and if in the course of discussion at Town Meeting if the Board would be able to withdraw any of the areas.

On a motion by Mr. Macaux seconded by Mr. Bergeron the Board moved to continue the public hearing on the Medical Marijuana Overlay District to March 11, 2014 at 8:30 p.m.

Vote: Unanimous (6-0).

15 Stevens Street – Atria Marland Falls:

Ms. Duff opened the continued public hearing on 15 Stevens Street, Atria Marland Falls, a Modification of a Special Permit for Planned Development Multi-Family and a Modification of Site Plan Review. Ms. Byerley reviewed all of the information that the applicant has presented including waivers requested on the number of units and the parking space requirements. The applicant has agreements in place with the Post Office and Shawsheen Plaza for overflow parking. She stated that the applicant has satisfied all of the departments' concerns. The Fire Department is agreeable with working with the applicant on the response issues at time of construction as long as the Board puts a condition on this in their approval. The Inspector of Buildings is satisfied with the parking information based on a new configuration and satellite event parking. The Department of Public Works would like conditions placed on the water line and a fire hydrant. There is a possibility the stairwell at the rear of the building will be in conflict with the water line and it may need to be moved in the final placement. A hydrant may also need to be raised if any pavement work is done on the property. The Board will need to deliberate on the waivers for the increased density and the parking. She added that the Conservation Commission will be reviewing stormwater and flood storage and they have contracted with two separate peer reviewers.

Ms. Duff asked if there will be a condition for the gurney to fit in the elevator or if that is something that will be settled in the construction documents. Ms. Byerley stated that she believes that issue has been worked out, but when the construction documents are submitted the interior work will be reviewed by the Inspector of Buildings and the Fire Department. Ms. Byerley recommended the Board close the public hearings and begin deliberations at their next meeting.

On a motion by Mr. Macaux seconded by Mr. Bergeron the Board moved to close the public hearings for a Modification of Site Plan and a Modification of a Special Permit for a Planned Development in the Mixed Use District for Atria Senior Living at 15 Stevens Street. **Vote:** Unanimous (5-0).

Site Plan Review Dover Use Fee:

Ms. Byerley reminded the Board that at the January 28th meeting they began a discussion on implementing a reduced fee for Site Plan Review Dover uses and ending a practice of allowing a waiver on the processing fee. She has spoken with the Town Manager and he has agreed to this change. She is suggesting that the Board set a reduced fee for Site Plan Review Dover use at an administrative processing fee of \$500 plus \$0.10 per gross square floor area. Ms. Knowles asked if now the Board would no longer grant any waivers. Ms. Byerley stated that a Dover use applicant always has a right to request a waiver, and if they can show some type of hardship, the Board may use their discretion.

On a motion by Mr. Bergeron seconded by Mr. Macaux the Board moved to set the fee for Site Plan Review for Dover uses at \$500 for the administrative fee plus \$0.10 per gross square floor area. **Vote:** Unanimous (6-0).

Dawn Circle Street Acceptance:

Ms. Byerley informed the Board that the developer of Dawn Circle has been moving forward with the street acceptance process. The Town has been provided with the necessary mylars and all of the construction is complete. The Department of Municipal Services has written a memo stating that they are satisfied with the completed work. Town Counsel is now reviewing all deeds and conveyance documents. She is suggesting the Board vote to recommend that the Selectmen accept the way at the street layout meeting contingent upon the acceptable review of the legal documents by Town Counsel.

On a motion by Mr. Macaux seconded by Mr. Bergeron the Board moved to recommend Dawn Circle as a public way contingent upon a favorable review by Town Counsel. **Vote:** Unanimous (6-0).

Minutes:

On a motion by Mr. Macaux seconded by Mr. Doherty the Board moved to accept the minutes of October 22, 2013, November 12, 2013, December 3, 2013 and January 14, 2014 as submitted. **Vote:** Unanimous (5-0).

Adjournment: The meeting was adjourned at 8:17 p.m.